IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

Crl.Rev.Pet.No. 373 of 1999()

CRA.310/1998 of V ADDL.SESSIONS COURT, ERNAKULAM
CC.195/1989 of ADDL.CHIEF JUDICIAL MAGISTRATE (E & O), ERNAKULAM .

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REVN. PETITIONER: APPELLANT/ ACCUSED NO.1

KUNDIRIKKAPPARAMBIL BASHEER,
S/O. HASSAN KOYA HAJI,
HOUSE NO.21/2808.
MALAYIPARAMBA, PANNIYANKARA, KALLAI P.O.,
CALICUT.

BY ADV. SRI.SUNNY VARGHESE

RESPONDENTS: RESPONDENTS
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1. **ASST. COLLECTOR, SPECIAL CUSTOMS**
   PREVENTIVE DIVISION, CALICUT,
   REP.BY THE GENERAL GOVT. STANDING COUNSEL.

2. **STATE OF KERALA, REP.BY THE**
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY ADV. SRI.K.V.SABU, ADDL.CGSC - R1
BY PUBLIC PROSECUTOR SRI.SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 30/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY, J.

Crl.R.P.No.373 OF 1999

Dated 30th July, 2007

ORDER

The revision petitioner was caught red handed by PW1 etc. with 10 gold biscuits weighing 1165 grams with purity of 24 carat. Total market value of the above at the time of seizure was Rs.3,92,605/=. In the search conducted in the residence of A2, another 50 gold biscuits were recovered. We are considering the conviction and sentence imposed on the petitioner (A1) alone in this case. Evidence would show that he was in illegal possession of the above gold biscuits. On the basis of the evidence, he was convicted and sentenced to undergo rigorous imprisonment for one year and also to pay a fine of Rs.50,000/= and in default to undergo simple imprisonment for another period of six months. Magistrate allowed the benefit of set off also. In criminal appeal, the Sessions Court confirmed the conviction and sentence. He was already given the right of set off of the COFEPOSA punishment. In the absence of revision application filed by the respondents, I am not looking into the correctness of the same. The gold biscuits which were later confiscated were worth about Rs.4,00,000/=. I see no ground to reduce the fine amount also. Merely because he is

a carrier, he deserves no lenient view. As these types of offences will affect the economy of the State, no leniency can be given as pleaded by the petitioner. I see no ground to interfere with the concurrent conviction and sentence imposed on the petitioner in this revision petition.

The revision petition is dismissed.

J.B.KOSHY
Judge

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